

26-5080

No. 24-6721

ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Gandy Johnson — PETITIONER
(Your Name)

vs.

G. Hall, Et Al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Gandy Johnson
(Your Name)

P.O. Box 205
(Address)

Highville, S.C.
(City, State, Zip Code)

N/A
(Phone Number)

Issue Presented

Did the Courts abused its Discretion in denying
Petitioner Ex post Facto claim?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

RELATED CASES

G. Hall, - Grievance coordinator, in their individual and official capacity;
Stacy Richardson, Head classification, in their individual and official capacity;
Melvin Warren, Acting Director, South Carolina Department of Probation, Parole and Pardon Services, in their individual and official capacity;
Matthew C. Buchanan, General Counsel, in their individual and official capacity.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

Basis for Jurisdiction

The Court of Appeals entered its Final Judgment on Oct. 31, 2025. Jurisdiction is proper under 28 U.S.C. § 1254 (1) Constitutional and Statutory Provisions, U.S. Const. Amend. I U.S. Const. amendment II U.S. Constitutional Amendment III U.S. Constitutional amendment IV U.S. Constitutional amendment V U.S. Constitutional Amendment VI, U.S. Constitutional Amendment 28 U.S.C. § 1254 (1)

The Ex post facto clause is violated when a defendant is sentenced under Guidelines promulgated after he committed his criminal acts and the new version provides a higher applicable Guidelines sentencing range than the version in place at the time of the offense; a retrospective increase in the Guidelines range applicable to a def, creates a sufficient risk of a higher sentence

Peugh v. U.S. 569 U.S. 530

Statement of Case

Petitioner filed a 1983 action alleging that his 1st, 5th, 8th, and 14th Amendment rights was being violated. Petitioner argued that defendants was subjecting Petitioner to a classification level under the June 3, 1986 Omnibus Criminal Justice Improvement Act when petitioner was sentenced in 1983 under the 1976 Codes and Statutes of the Justice Act. This violation is currently affecting petitioner parole hearings and the type of parole members as under a violent profile the parole Board members consist of (7) members and the Non-violent Board consist of (3) three members under the 1976 Act, in which, petitioner was sentenced under. Petitioner's classification level is non-violent. But under the June 3, 1986 Omnibus Criminal Justice Improvement, Petitioner is at a classification level of violent.

As The Court is fully aware that appellant has an extensive history within The South Carolina Department of corrections. ②

January 2, 1983 Appellant was apprehended and charged with multiple counts of Grand larceny, Petit larceny, House Breakings, receiving stolen goods, assault and Battery with intent to kill and murder at only the age of (14) Fourteen yrs of age.

March 16, 1983 appellant along with ② two co-Defendants pleaded guilty under the conviction of "The Hands of one, is The Hands of all" and was given life along with concurrent sentences.

Since then appellant was released on Parole, which Parole was revoked for an assumption that appellant assaulted an officer of the law. Such a charge was reduced to a lesser included offense which resulted in a misdemeanor, Dec. 14, 2001. (resisting arrest)

2003, appellant discovered that he was being victimized by the South Carolina Department of corrections, and The South Carolina Probation, Parole and Pardon services, by simply Refusing to uphold the law.

Argument 1:

Appellant has repeatedly Submitted material Facts in appellant claim of the Ex post facto clause.

For some unapparent reasons the Courts refuse's to address the legal matter, which Contradict's Constitutional Standards

The Courts has denied, and affirmed the fact that appellant has not stated a claim. Here appellant will ask the highest Court, "what is Ex post facto?"

The material facts in The matter is very Simple Appellant elucidates as follow:

- 1) At The age of 14 appellant was hauled down a life Sentence with Parole. at this time The 1976 code/statute was in place for all lifer's in The South Carolina Department of corrections.
- 2) June 3, 1986 The Criminal Justice improvement Act was implemented by the state of South Carolina. Here you had a change in appellant classification, and Parole status. ^{classification} The legal figures of The South Carolina Attorney General Office. provided that, "Because § 16-1-60 was not passed until 1986

any crimes committed before that date will no longer be classified as "violent offenses".

Since June 3, 1986 appellant has been classified by The South Carolina Department of Corrections inmate classification system, and The South Carolina Probation, Parole and Pardon Services as a violent offender. placing appellant under the 1986 Statute. where work credits, educational bonus credits, Parole profile, Parole date, Program advancement, and classification status. (Appellant is being forced to do 7 yrs in a classification custody level, which appellant has already done 10 yrs for) All is being compromised by The 1986 Amendment and Statute.

① Parole The South Carolina Probation, Parole, and Pardon Services allows "non-violent" inmates Parole hearings to be conducted by 3 Parole members and "violent offenders" Parole members consists of 7. which is considered a Full Board.

Currently, appellant Parole Profile is being considered under a violent offender, Having to have 4 votes to make or be granted parole. The miscalculation has been so great. it took appellant 18 yrs plus to become eligible for parole. where it only should have been 10 yrs to become eligible according to the law at such a time. discovery in west law reveals the following:

South Carolina Jurisprudence
August 2025 update

Probation, Parole, and Pardon

Carl N. Lundberg, Esq., Chief Legal Counsel,
South Carolina Department of Probation,
Parole and Pardon; Mark V. Desser, Esq., Legal
Counsel, South Carolina Department of
Probation, Parole and Pardon

V. Parole

B. Eligibility for Parole

§ 14. Summary of parole eligibility calculations

^{References}
Since parole eligibility is defined by statute
and since it is considered a part of the
punishment under ex post facto analysis,
calculating parole eligibility in any given case
depends on identifying the controlling
criminal statutes in effect at the time the
offense was committed. The following
summary attempts to do just that.

For most crimes committed before June 15,
1981, the offender must serve one-third of his
sentence to become eligible for parole.
Deductions are allowed for earned work
credits. Persons sentenced to life
imprisonment or imprisonment for more than
thirty years must serve at least ten years to

②

become eligible for parole.² An exception to this formula applies, however, to crimes committed on or after May 5, 1978, and before June 15, 1981, which carry a life sentence, and for armed robbery, for which earned work credits may not be used to compute parole eligibility.

By a 1981 statutory amendment, for crimes committed on or after June 15, 1981, the offender must serve one-third of the sentence to become eligible for parole. Persons

sentenced to life imprisonment or imprisonment for more than thirty years must serve at least ten years to become eligible.³

For crimes committed after January 1, 1984, the offender must serve only one-fourth of the sentence, with two exceptions. First, except that if sentenced for the crime of murder, armed robbery, criminal sexual assault, assault and battery with intent to kill, or kidnapping, the offender must serve at least one-third of the sentence to become eligible for parole.⁴

Persons convicted of or pleading guilty to murder and sentenced to life imprisonment are not eligible for parole until they have served twenty years.⁵ Persons convicted of armed robbery must serve at least seven years to become eligible for parole.⁶

The second exception is for persons convicted of burglary in the first or second degree.

For burglary in the first or second degree committed between June 30, 1985, and June 3, 1986, the offender must serve one-third of the sentence to become eligible for parole.⁷

From June 3, 1986, the omnibus crime bill controls the parole eligibility calculation.⁸ Parole eligibility is set at one-third of the sentence for crimes specifically defined as violent under the provisions of the Bill.⁹ If the crime is not so defined as violent, the law deems it non-violent.

Here The ex post facto Prohibition forbids the Congress and the States to enact any law "which imposes a punishment for an act which was not punishable at the time it was committed; or imposes additional punishment to that then prescribed."

Cummings v. Missouri, 4 wall. 277, 325-326, 18 Led 356 (1867).

In setting forth a valid claim a party is required only to plead "a short plain statement of the claim showing that the pleader is entitled to relief."

Fed. R. Civ. P. 8 (a).

The court may not dismiss a complaint unless plaintiff can prove no set of facts which would entitle him to relief.

Coulter v. Gibson, 355 U.S. 41; 45-46 (1957).

Conclusion

Appellant argues that the omnibus criminal justice improvement Act changed the punishment, inflicting a greater punishment than the law in effect at the time petitioner committed the offense.

Two critical elements must be present for a criminal or penal law to be ex post facto; it must be retrospective, that is, it must disadvantage the offender affected by it. (Cf. *Ex parte Quirin*, 285 U.S. 31, 33 (1932)) Appellant argues that under the 1976^{code}, in which, petitioner was sentenced under, petitioner was non-violent classification and had non-violent profile (see exhibit I) But now being classified under the June 3, 1986 Omnibus Criminal Justice Improvement Act, petitioner is a violent profile, which violates the ex post facto clause. (see exhibit F)

The South Carolina Department of Corrections, and The South Carolina Probation, Parole, and Pardon Services, are both in violation of Article I § 10, Clause 1, of The United States Constitution, which Dictates that No state shall..... pass any..... Ex
.... post facto Law.....

That petitioner be granted relief and petitioner
Case be allowed to proceed

Respectfully Submitted,
Harold Johnson #116238
Lieber Corn. Inst. Stand A-12
P.O. Box 205
Pickensville, S.C. 29472

Date: 2-13-2020

cc: G-Hall - Grievance Coordinator
Stacey Richardson - State Class
Melvin Warren - Parole Director
Matthew Buchanan - General Counsel

Declaration

I, Nandy Johnson, Declare under the penalty of perjury that all Herein is Accurate and true.

s/ Nandy Johnson

Date: 2-13-2026